

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

HEARING DATE: OCTOBER 25, 2011
HEARING TIME: 10:00 A.M.

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In re : Case No. 09-23815 (RDD)
:
WILLIAM BYRD WHYMARK and : (Chapter 7)
KATHERINE ELIZABETH WHYMARK, :
:
Debtors. :
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**STATEMENT OF THE UNITED STATES TRUSTEE WITH RESPECT
TO FINAL APPLICATIONS FOR COMPENSATION AND COMMISSIONS**

TO THE HONORABLE ROBERT D. DRAIN,
UNITED STATES BANKRUPTCY JUDGE:

Tracy Hope Davis, the United States Trustee for Region 2
(the "United States Trustee"), respectfully submits this
statement with respect to the following applications seeking
awards of final compensation, commissions and expenses in this
Chapter 7 case.

Applicant	Commissions/ Fees	Period	Hours	Expenses
Marianne T. O'Toole Chapter 7 Trustee	\$2,951.73	11/09/09 - 8/16/11	20.80	\$162.40
Paritz & Co., Accountants for the Trustee	\$300.00	N/A	N/A	N/A

BACKGROUND

1. On September 30, 2009, William Byrd Whymark and
Katherine Elizabeth Whymark (the "Debtors") filed a voluntary
petition under Chapter 7 of the Bankruptcy Code. See Voluntary
Petition, ECF No. 1.

2. On or about September 30, 2009, Marianne T. O'Toole (the "Trustee") was appointed as interim trustee in this case and thereafter qualified as permanent Chapter 7 trustee.

3. On December 15, 2010, the Court approved the Stipulation of Settlement (the "Stipulation") resolving the Trustee's claims concerning the work performance bonus received by each Debtor, the transfer of the Debtors' 2008 Honda and payments to the Debtors' step-brother.

4. The gross receipts of this estate aggregate \$22,000.00, representing the settlement of the Trustee's claims as reflected in the Stipulation.

5. By order of the Court dated August 1, 2011, the accounting firm of Paritz & Company, P.A. was retained by the Trustee. See Order retaining Paritz & Company, ECF No. 31.

6. The Trustee reports that she has examined all claims which were filed with the Court. Chapter 7 Administrative claims total \$3,414.13. Priority claims total \$13,501.19. Timely filed general unsecured claims total \$69,243.74. Late filed general unsecured claims total \$303.04.

7. If the Court awards the final requests in full to the applicants, there will be \$18,571.25 remaining. Administrative and priority claimants will receive a 100 percent distribution of their claims. The remaining \$5,070.06 will provide a 7.3 percent distribution to general unsecured creditors. There are

insufficient funds available in this estate for a distribution to late filed general unsecured creditors.

MARIANNE T. O'TOOLE, TRUSTEE

8. The Trustee seeks allowance of a commission pursuant to 11 U.S.C. § 326 in the amount of \$2,951.73. This amount represents the maximum commission allowed under 11 U.S.C. § 326, based upon receipts in the amount of \$22,017.32. These receipts will be disbursed to parties-in-interest, excluding the Debtors.

9. The United States Trustee has no objection to the payment of the commission and expenses in the amounts requested by the Trustee.

**PARITZ & CO.,
ACCOUNTANTS FOR THE TRUSTEE**

10. The United States Trustee has no objection to the payment of final compensation in the amount requested by the applicant.

Dated: New York, New York
August , 2011

Respectfully submitted,

TRACY HOPE DAVIS
UNITED STATES TRUSTEE

By: /s/ Greg M. Zipes
Greg M. Zipes
Trial Attorney
33 Whitehall Street, 21st Floor
New York, New York 10004
Tel. No. (212) 510-0500